

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA

v.

ROBERT J. ROBINSON

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No. 3:95-CR-50

**ORDER**

This criminal case is before the court on the defendant's motion for a reduction in the defendant's sentence pursuant to 18 U.S.C. § 3582(c)(2) [doc. 73]. In compliance with the court's Scheduling Order, the government has filed a memorandum [doc. 76] and the Probation Office has filed a Memorandum Regarding Retroactivity.

The defendant was sentenced on October 13, 1995, to 190 months in prison: 130 months on Count One for distribution of crack cocaine and 60 months on Count Two for possession of a firearm during and in relation to a drug trafficking crime. This sentence was based on a guideline range of 130 to 162 months (base offense level 28 and a criminal history category V). A 60-month mandatory minimum sentence applied. According to the Bureau of Prisons, the defendant is scheduled for release on April 7, 2012.

Under the retroactive amendment to the crack guidelines, the defendant's new guideline range on the crack cocaine count would be 110 to 137 months (base offense level 26 and a criminal history category V), a reduction of 20 months.

Neither the government nor the Probation Office have identified any reasons why the defendant should not be granted a reduction in his sentence. Therefore, it is hereby **ORDERED** that the defendant's sentence is **REDUCED** to **170 months**, 110 months on Count One and 60 months on Count Two. If this sentence is less than the amount of time the defendant has already served, the sentence is reduced to a "time served" sentence. This Order shall take effect ten (10) days (day-for-day) from its entry in order to give the Bureau of Prisons time to process the release of the defendant. Except as provided above, all provisions of the judgment dated October 17, 1995, shall remain in effect.

ENTER:

s/ Leon Jordan  
United States District Judge